

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

THE PEOPLE OF THE STATE OF
CALIFORNIA,

Plaintiff,

v.

EJUICESTEALS.COM and REMON
HANNA,

Defendants.

Case No. 1:23-cv-01726-KES-CDB

ORDER ON DEFENDANTS' MOTION
EXTENDING *NUNC PRO TUNC* TIME TO
FILE A RESPONSE TO PLAINTIFF'S
MOTION FOR SUMMARY JUDGMENT

(Doc. 62)

Relevant Background

On December 14, 2023, Plaintiff, the People of the State of California ("Plaintiff") initiated this action with the filing of a complaint against Defendants Ejuicesteals.com ("Ejuicesteals") and Remon Hanna (collectively, "Defendants"). (Doc. 1).

On August 1, 2025, the Court granted the parties' stipulated request to continue the deadline to file dispositive motions (to September 8, 2025) and associated hearing before the assigned district judge (to October 20, 2025), and relieved Plaintiff of the requirement to meet and confer prior to filing its motion for summary judgment. (Doc. 41). At the parties' request, the Court did not schedule a pre-trial conference or set a trial date. *Id.*

On August 25, 2025, the Court entered a further order on dispositive motion deadlines and Defendants' status report, directing Defendants (then proceeding pro se) to review and comply

1 with this Court's local rules, particularly Local Rule 230, which governs the parties' briefing of
2 Plaintiff's motion for summary judgment. (Doc. 44). Plaintiff thereafter filed its motion for
3 summary judgment and request for judicial notice in support thereof on September 8, 2025, making
4 Defendants' opposition thereto due on September 22, 2025. (Docs. 50, 51); *see* Local Rule 230(c).
5 On September 9, 2025, the pending motion for summary judgment and request for judicial notice
6 was referred to the undersigned for the preparation of findings and recommendations and/or other
7 appropriate action and the hearing set for October 20, 2025, before the assigned district judge was
8 vacated. (Doc. 52).

9 On September 23, 2025, James Joseph Allemand filed a notice of appearance as counsel
10 for Defendants in this action. (Doc. 57). The next day, the Court granted Defendants' requests
11 for substitution of Mr. Allemand as counsel of record in place of Defendants, who were proceeding
12 in pro per. (Docs. 60, 61).

13 **Defendants' Unopposed Motion to Extend Opposition Deadline**

14 Pending before the Court is Defendants' unopposed motion for an extension of time to file
15 an opposition to Plaintiff's motion for summary judgment to a date not sooner than 14 days from
16 the date of the motion, filed on September 24, 2025. (Doc. 62). Counsel for Defendants, who
17 recently appeared in this action and was substituted in as counsel for Defendants on the same date
18 the motion was filed (*see* Docs. 57, 60, 61), declares that he was retained on September 10, 2025,
19 and did not learn about the deadline to file an opposition to Plaintiff's motion for summary
20 judgment until September 23, 2025, one day after the opposition was due. *Id.* at 2; (Doc. 62-1,
21 Declaration of James J. Allemand ("Allemand Decl.") ¶ 2). Counsel for Defendants declares that
22 he was mistaken that new dates for the pending motion would be scheduled, including the deadline
23 for the filing of an opposition, following the Court's September 9, 2025, minute order reassigning
24 the motion for the preparation of findings and recommendations before the undersigned (*see* Doc.
25 52). *Id.*; Allemand Decl. ¶¶ 3, 6. He declares that he has promptly conferred with counsel for
26 Plaintiff who has indicated that Plaintiff does not oppose Defendants' motion for an extension of
27 time to file an opposition. *Id.*; Allemand Decl. ¶ 7. Counsel for Defendants represents that good
28 cause exists to grant the requested extension given his excusable neglect based on his mistaken

1 belief regarding the vacated hearing date, his recent appearance in this case, and his good faith
2 efforts in reviewing the voluminous case docket and preparing the opposition to Plaintiff's motion
3 for summary judgment. *Id.* at 5-7.

4 Requests for extensions of time in the Eastern District of California are governed by Local
5 Rule 144, which provides: "Counsel shall seek to obtain a necessary extension from the Court or
6 from other counsel or parties in an action as soon as the need for an extension becomes apparent."
7 L.R. 144(d). That rule further provides, "Requests for Court-approved extensions brought on [or
8 after] the required filing date for the pleading or other document are looked upon with disfavor."
9 *Id.*

10 While the Court finds good cause to grant Defendants' request based on counsel for
11 Defendants' representations in his declaration, his recent appearance in this case during the
12 briefing period for Plaintiff's motion for summary judgment, and the status of this case, here, it
13 should have become apparent to Defendants that they required an extension of time to file an
14 opposition to the pending motion for summary judgment upon counsel for Defendants' review of
15 the docket, which he declares was done prior to being retained on September 10, 2025. The Court
16 disfavours granting relief *nunc pro tunc* and admonishes Defendants to exercise better care and to
17 adhere to this Court's Local Rules in all future filings.

18 **Conclusion and Order**

19 Accordingly, IT IS HEREBY ORDERED:

- 20 1. Defendants shall file an opposition or statement of non-opposition to Plaintiff's motion
21 for summary judgment by no later than **October 9, 2025**; and
22 2. Any optional reply by Plaintiff shall be filed in accordance with Local Rule 230(d). *See*
23 Local Rule 230(d).

24 IT IS SO ORDERED.

25 Dated: **September 25, 2025**

26 
UNITED STATES MAGISTRATE JUDGE